

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7482

BILL NUMBER: HB 1291

NOTE PREPARED: Apr 29, 2011

BILL AMENDED: Apr 28, 2011

SUBJECT: Storm Water Management.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR: Sen. Gard

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *Municipal Government Liability-* The bill provides that a municipality is not liable for the investigation, assessment, or opinion offered by the city board of works, town council, or designee in connection to storm water nuisances.

Complaints Process- The bill establishes an alternative dispute process for dealing with storm water nuisance complaints. The bill provides that the person seeking the removal of a storm water nuisance may file a request with a designated unit of government to investigate and make an assessment of the alleged problem.

Fees- The bill allows a local unit to adopt an ordinance to charge a fee to recover the costs associated with the process.

Provide Report & Limitations- The bill requires the unit of government designee to provide an oral or written report pertaining to the assessment and alternative dispute resolution information. The bill establishes certain limitations in the applicability of the storm water nuisance investigation or assessment.

Compliant Artificial Conveyances and Run-Offs- The bill provides that an artificial conveyance or runoff operating in compliance with a permit issued by a political subdivision is not subject to the provisions related to the alternative dispute process dealing with storm water nuisance complaints.

Submission of Plans and Specifications- The bill requires a person who lays out commercial, industrial, or other land developments outside the corporate boundaries of a municipality to submit plans and specifications to a county drainage board.

Definition- The bill establishes that "development", for purposes of a drainage plan submitted to a county drainage board, does not include public or municipally owned utility infrastructure.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Complaints Process-* Municipal administrative time could increase if storm water requests are considered and investigated. The costs to carry out investigations and make reports could be offset by the implementation of fees.

Submission of Plans and Specifications- This provision could increase the workload of county drainage boards by an minimal amount, if more drainage development plans were submitted for review.

Explanation of Local Revenues: *Fees-* A local unit of government could adopt an ordinance, under the bill, which would allow for the establishment of a fee to pay the appointed authority to handle requests for storm water nuisance complaints. The fee would not be allowed to be greater than would be reasonably necessary to counterbalance the expenses for processing, investigating, making assessments on requests for assistance.

State Agencies Affected:

Local Agencies Affected: City boards of works, county surveyors, town council, and county drainage boards.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.